

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PAMELA FLYNT,)	
)	
Plaintiff,)	
vs.)	NO. CIV-12-1248-HE
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

ORDER


Plaintiff Pamela Flynt filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her application for disability insurance benefits under the Social Security Act. Consistent with 28 U.S.C. § 636(b)(1)(B)-(C), the case was referred to Magistrate Judge Shon T. Erwin, who recommends that the Commissioner’s decision be reversed and the matter remanded for further proceedings. The magistrate judge concluded the Administrative Law Judge erred in analyzing plaintiff’s credibility and that the “rejection of Plaintiff’s allegations of disabling pain renders the RFC suspect.” Doc. #18, p. 11.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. §636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Irwin’s Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the

case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order. This does not suggest or imply any view as to whether plaintiff is or is not disabled, or what result should be reached on remand.

IT IS SO ORDERED.

Dated this 27th day of February, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE